

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 22, 2011

**SENATE BILL**

**No. 881**

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**Introduced by Senator Corbett**

February 18, 2011

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An act to *amend Section 65040.2 of, and to add Section 65040.7 to,* the Government Code, relating to land use planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 881, as amended, Corbett. Land use planning: renewable energy projects: siting.

**Existing**

(1) *Existing* law, the Planning and Zoning Law, requires the Office of Planning and Research to coordinate, in conjunction with appropriate state, regional, and local agencies, the development of objectives, criteria, and procedures for the orderly evaluation and report of the impact of public and private actions on the environmental quality of the state and as a guide to the preparation of environmental impact reports required of state and local agencies, and to develop a land use policy for the state. Existing law requires the State Energy Resources Conservation and Development Commission, subject to the availability of funds, to provide technical assistance and ~~grant-in-aid~~ *grants-in-aid* to assist local agencies in siting specified energy production or transmission projects.

This bill would require the Office of Planning and Research, by July 1, 2012, in consultation with the State Energy Resources Conservation and Development Commission, the Department of Fish and Game, the Public Utilities Commission, *any applicable private organization*, and any applicable local *or federal* agency, to develop and maintain an

Internet Web site containing information that covers common issues when siting a renewable energy project, including specified information.

(2) *Existing law requires the Office of Planning and Research to develop, adopt, and revise guidelines for the mandatory elements required in city and county general plans, as specified.*

*This bill would require the office, upon the next revision of these guidelines, to prepare or amend guidelines for a legislative body to adopt or amend an optional energy element, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65040.7 is added to the Government  
2 Code, to read:

3 65040.7. By July 1, 2012, the Office of Planning and Research,  
4 in consultation with the ~~commission~~ *State Energy Resources*  
5 *Conservation and Development Commission*, the Department of  
6 Fish and Game, the Public Utilities Commission, *any applicable*  
7 *private organization*, and any applicable local or federal agency,  
8 shall develop and maintain an Internet Web site containing  
9 information that covers common issues when siting a renewable  
10 energy project, including, but not limited to, information on all of  
11 the following:

12 (a) Resources to direct a renewable energy developer to the  
13 appropriate permitting agencies.

14 (b) A template that covers basic renewable energy siting  
15 requirements.

16 (c) Information on specific siting challenges *and benefits* in  
17 each region of the state-, *including, but not limited to, an interactive*  
18 *map with layers that may include, but are not limited to, any of*  
19 *the following:*

20 (1) *Renewable resource quality, including, but not limited to,*  
21 *solar radiation levels, wind power classes, identified hydrothermal*  
22 *sites, and deep enhanced geothermal systems.*

23 (2) *The California Protected Areas Database.*

24 (3) *The California Essential Habitat Connectivity Project.*

25 (4) *Areas identified by federal, state, and local agencies as*  
26 *requiring special resource management, including, but not limited*  
27 *to, areas of critical environmental concern, identified by the United*

1 *States Bureau of Land Management and critical habitat designated*  
2 *under the federal Endangered Species Act of 1973 ( 16 U.S.C. Sec.*  
3 *1531 et seq.).*

4 (5) *Any Solar Energy Zone Plan identified by the United States*  
5 *Bureau of Land Management.*

6 (6) *Information on existing transmission availability through*  
7 *the California Independent System Operator.*

8 (7) *Any county with an optional energy element in its general*  
9 *plan.*

10 (8) *The California Natural Diversity Database.*

11 (9) *Williamson Act maps.*

12 (d) *Examples of mitigation measures used by renewable energy*  
13 *projects as a condition of permitting and available mitigation*  
14 *banks.*

15 *SEC. 2. Section 65040.2 of the Government Code is amended*  
16 *to read:*

17 65040.2. (a) In connection with its responsibilities under  
18 subdivision (l) of Section 65040, the office shall develop and adopt  
19 guidelines for the preparation of and the content of the mandatory  
20 elements required in city and county general plans by Article 5  
21 (commencing with Section 65300) of Chapter 3. For purposes of  
22 this section, the guidelines prepared pursuant to Section 50459 of  
23 the Health and Safety Code shall be the guidelines for the housing  
24 element required by Section 65302. In the event that additional  
25 elements are hereafter required in city and county general plans  
26 by Article 5 (commencing with Section 65300) of Chapter 3, the  
27 office shall adopt guidelines for those elements within six months  
28 of the effective date of the legislation requiring those additional  
29 elements.

30 (b) The office may request from each state department and  
31 agency, as it deems appropriate, and the department or agency  
32 shall provide, technical assistance in readopting, amending, or  
33 repealing the guidelines.

34 (c) The guidelines shall be advisory to each city and county in  
35 order to provide assistance in preparing and maintaining their  
36 respective general plans.

37 (d) The guidelines shall contain the guidelines for addressing  
38 environmental justice matters developed pursuant to Section  
39 65040.12.

(e) The guidelines shall contain advice including recommendations for best practices to allow for collaborative land use planning of adjacent civilian and military lands and facilities. The guidelines shall encourage enhanced land use compatibility between civilian lands and any adjacent or nearby military facilities through the examination of potential impacts upon one another.

(f) The guidelines shall contain advice for addressing the effects of civilian development on military readiness activities carried out on all of the following:

- (1) Military installations.
- (2) Military operating areas.
- (3) Military training areas.
- (4) Military training routes.
- (5) Military airspace.
- (6) Other territory adjacent to those installations and areas.

(g) By March 1, 2005, the guidelines shall contain advice, developed in consultation with the Native American Heritage Commission, for consulting with California Native American tribes for all of the following:

(1) The preservation of, or the mitigation of impacts to, places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

(2) Procedures for identifying through the Native American Heritage Commission the appropriate California Native American tribes.

(3) Procedures for continuing to protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects.

(4) Procedures to facilitate voluntary landowner participation to preserve and protect the specific identity, location, character, and use of those places, features, and objects.

(h) Commencing January 1, 2009, but no later than January 1, 2014, upon the next revision of the guidelines pursuant to subdivision ~~(i)~~ (j), the office shall prepare or amend guidelines for a legislative body to accommodate the safe and convenient travel of users of streets, roads, and highways in a manner that is suitable to the rural, suburban, or urban context of the general plan, pursuant to subdivision (b) of Section 65302.

(1) In developing guidelines, the office shall consider how appropriate accommodation varies depending on its transportation

1 and land use context, including urban, suburban, or rural  
2 environments.

3 (2) The office may consult with leading transportation experts  
4 including, but not limited to, bicycle transportation planners,  
5 pedestrian planners, public transportation planners, local air quality  
6 management districts, and disability and senior mobility planners.

7 *(i) Upon the next revision of the guidelines pursuant to*  
8 *subdivision (j), the office shall prepare or amend guidelines for a*  
9 *legislative body to adopt or amend an optional energy element,*  
10 *including, but not limited to, the use of best practices for the siting*  
11 *of new renewable energy production and transmission facilities.*

12 ~~(i)~~

13 *(j)* The office shall provide for regular review and revision of  
14 the guidelines established pursuant to this section.